



# Town of Sheffield

*Planning Board*

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## **Public Hearing Minutes**

### **Regarding Proposed Solar Photovoltaic Installation Zoning Bylaw**

**Wednesday, April 8, 2015, 7:15 PM**

#### **TOWN HALL – 1st FLOOR MEETING ROOM**

Board Members Present: James T. Collingwood Jr. Chairman  
Daniel Watson  
David A. Smith Sr.,  
Marie Massini-Reynolds  
Anthony Gulotta

Members of the Public Present: Chris Tomich  
Nadine Hawver  
David West  
Rene Wood  
David Thomas

Chair, J. Collingwood Jr., opened the public hearing. Copies of the proposed bylaw were distributed. Chair Collingwood pointed out the most recent adjustments to this draft. ***A. Gulotta made a Motion to accept changes to the Draft of the Proposed Solar Voltaic Installation Zoning Bylaw. D. Smith Sr. seconded his Motion and it was unanimously approved.*** Chair, J. Collingwood Jr. read the notice published in the Berkshire Record.

Chris Tomich asked if the Board would consider designating the Village Center District as an N (No) regarding solar installation instead of a PB (Planning Board Approval Required)? J. Collingwood Jr. pointed out that the Board, is allowed to say no, there really isn't enough land. Chris Tomich asked why the Board want to review something they would probably say no to anyway? M. Massini-Reynolds said that review by the Planning Board allows Sheffield to show the State of Massachusetts that we are not unreasonably regulating solar.

Chris Tomich distinguished between abandonment and removal situations. He asked if acres of forest were cleared to accommodate a solar installation, could aspects of a project be added to the Special Permit at a later time? J. Collingwood Jr. explained that any modifications or removal would have to be presented before the Planning Board for another permit. M. Massini-Reynolds explained that solar developers can't take a piece, cut it up and put 2 systems on it. Chris Tomich asked if, in the future, if one like County Road is proposed, would the Planning

Board be able to preserve the vista and character of Sheffield? J. Collingwood said yes, but that the current County Road development cannot be affected because it is already approved by the Building Inspector. Chris Tomich explained that his company just set up a plan for a living fence for a solar installation at Berkshire School. He thinks that the same type of care that was taken in that case should be taken for all proposed solar installations, so that people can get the benefit of living fence screening in a short amount of time. D. Smith Sr. said that complaints regarding enforcement of screening should go to the Building Inspector.

David West asked what the word “material” means in the proposed bylaw? J. Collingwood Jr. explained that “material” means, from the ground up. David West asked if it makes much difference if the word “material” is eliminated? J. Collingwood said he prefers the word “material” because it means everything they install is covered. He said that “material” could be interpreted as sizeable and explained that if the action in question is part of normal operation then it wouldn’t be a “material” change.

Solar Developer, David Thomas, asked if an inverter breaks can we go replace it or do we need to get a permit? He asked if that would be considered a minor change or a material change? He pointed out that to consider operational changes as material changes could impact financing.

Chris Tomich asked if “material change” applies to raw materials?

Rene Wood said that it would be good to put a definition of “material” in the bylaw. She pointed out that if there’s this much confusion in the room now then there will be confusion in the future and someone will have to sort it out.

David West recommended that the Planning Board change the order, put solar photovoltaic in first and then small scale and then large scale.

Chris Tomich pointed out that small scale solar is by right, but it doesn’t say that anywhere.

Rene Wood suggested changing “may” to “shall” and that would cover it.

David Thomas reminded the Board that no one can do anything to a designated historical site without getting special permission.

David West suggested that “may” be changed to “shall not” in 7.4.4.4 change for small scale. He also suggested that on 2<sup>nd</sup> page #6 Liability Insurance in an “amount and form” be defined. D. Smith Sr. answered that they have to submit insurance every year and that “form” means “type,” you could swap the words. David West suggested that on page 3 “vegetation clearing” the word “or” be substituted for “and between “modification” and removal or use “and/or” Under #7, signs, and wanted to know if that contradicts our sign bylaw?

Chris Tomich asked if any of this conflicts with the Scenic Mountain Act? Nadine Hawver said that in 1977 the Town voted to have the Scenic Mountain Act here in Sheffield. She said that the Town Clerk would have more specifics on the Scenic Mountain Act. J. Collingwood Jr. said that the bylaw should refer to the Scenic Mountain Act. Rene Wood thought that could be a potential

"#11" and asked if the Board will consider something that is overcleared. She wondered what will happen if trees are taken down that aren't necessary. J. Collingwood Jr. said that there's already a regulation as to how much clearing can be done to a site. David Thomas explained that you have to file a forestry plan no matter what kind of development is occurring on the land.

David West suggested that in the use table in the Zoning Bylaws go to section G and make small scale use #13 and it would be Y by right in all of the districts and it should be also changed for other uses in section F. Rene Wood said that if it was used for a home it would always be an accessory use; small scale could never be a primary use; so treat it as an accessory use.

David Thomas addressed the question of a small solar development on a lot by itself. He suggested that the board allow that with special permission. M. Massini-Reynolds thought that small scale should not be allowed as a primary use. She thought they should take out the primary use and it would be ok.

David West said that once you ground mount the solar panels, it could be a primary use. Board members stated that if it's connected to the house then it's a primary use; according to state statute you can't plant trees which will shade your solar installation. A. Gulotta explained that the Building Inspector is happy with the way the current draft reads, this is a really good first stab at it any changes would have to be made during this public hearing in order to make it for the May town meeting.

Rene Wood summarized the changes proposed during the hearing so far, providing a definition for material modifications, in 7.4 all the mays will be changed to shalls and all made accessory use rather than primary. She explained that under liability insurance under 6 and 7 "form" would be changed to "type." Everyone agreed to keep it as "form." 7.4.5.7.1 "in event site is abandoned" add "and restoration." For living fence/screening issues, she suggested hiring a consultant. She suggested making reference to the Scenic Mountain Act, it's own section. She suggested that in table of uses "small scale" should be YYY and should go under accessory use.

David Thomas commented on page 3 section 8.5 habitat fragmentation. He said, "I read that to say that you can't clear a forest. The best projects are the ones you can't see, because they are surrounded by forest." He suggested changing the wording to say "unless approve by Planning Board" He said that right now people could cut down 100 acres of forest hoping that they would get something out of it. He suggested that the Planning Board could specify that a living fence or screening be determined by Conservation Commission. He suggested clarifying the word "material" by adding "material or sizeable." Rene Wood suggested saying "replacing like with like."

David West suggested taking the word material out, or using the word "alters."

David Thomas suggested that the Board doesn't need to change anything; 7.4.2 clarifies everything.

The Board reviewed all the changes they will be making based on the discussion at the hearing tonight.

*D. Smith Sr. made a motion to close the Public Hearing, his motion was seconded by A. Gulotta. and approved unanimously* At 8:33 PM The Public Hearing was closed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nadia Milleron".

Nadia Milleron  
Secretary to the Planning Board